

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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ROBERT STEVEN MANNING,

Plaintiff,

-against-

22 CIVIL 1367 (JPC)

JUDGMENT

UNITED STATES DEPARTMENT OF
JUSTICE and UNITED STATES PAROLE
COMMISSION,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated February 17, 2023, the Court has dismissed the Complaint for lack of subject matter jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1) and, alternatively, for failure to state a claim pursuant to Rule 12(b)(6). The Court has also denied Manning's motion to amend the Complaint, Dkts. 28-30, as futile. See *Contreras v. Perimenis*, 562 F. App'x 50, 51 (2d Cir. 2014) ("A district court may deny leave to amend . . . when such an amendment would be futile."). Manning seeks to amend his Complaint to add the warden of the Federal Correctional Institution Phoenix as a defendant. Dkt. 29 ¶ 3. Such an amendment would not remedy the defect fatal to Manning's Complaint. However, the Court's dismissal is without prejudice to any petition for a writ of habeas corpus Manning may seek in the proper jurisdiction. See *Padilla*, 542 U.S. at 443, 447; accordingly, the case is closed.

Dated: New York, New York

February 21, 2023

RUBY J. KRAJICK

Clerk of Court

BY:

K. Mango

Deputy Clerk